

1 WILDE & ASSOCIATES
2 Gregory L. Wilde, Esq.
3 Nevada Bar No. 004417
4 208 South Jones Boulevard
5 Las Vegas, Nevada 89107
6 Telephone: 702 258-8200
7 bk@wildelaw.com
8 Fax: 702 258-8787

Electronically Filed on _____

6 MARK S. BOSCO, ESQ.
7 Arizona Bar No. 010167
8 TIFFANY & BOSCO, P.A.
9 2525 East Camelback Road, Suite 300
10 Phoenix, Arizona 85016
11 Telephone: (602) 255-6000
12 **Attorney for Secured Creditor**

Wells Fargo Bank, NA dba Americas Servicing Company successor by merger to Wells Fargo Home Mortgage, Inc.

09-72638

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

BK08-14829-bam

Chapter 13

Heather M. Puglisi
Debtor.

NOTICE OF ENTRY OF ORDER
VACATING AUTOMATIC STAY

HEARING DATE: 6/2/09
HEARING TIME: 1:30pm

PLEASE TAKE NOTICE that on the 24TH day of July, 2009, ORDER VACATING
AUTOMATIC STAY was entered by the court. Copy of said order is attached herewith.

DATED: 8/4/09

WILDE & ASSOCIATES

By H. Wilde #10235
GREGORY L. WILDE, ESQ.
Attorney for Secured Creditor
208 South Jones Boulevard
Las Vegas, Nevada 89107



Entered on Docket
July 24, 2009

Bruce A. Markell

Hon. Bruce A. Markell
United States Bankruptcy Judge

WILDE & ASSOCIATES
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Nevada Bar No. 004417
208 South Jones Boulevard
Las Vegas, Nevada 89107
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Fax: 702 258-8787

Wells Fargo Bank, NA dba Americas Servicing Company successor by merger to Wells Fargo Home Mortgage, Inc.

09-72638 / 1205155016

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Heather M. Puglisi

Debtors.

BK-S-08-14829-bam

MS Motion No.

Date:

Time:

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the post-petition arrearages currently due as follows:

3 Late Charges at \$33.29 each (March 16, 2009-May 16, 2009)	\$ 99.87
Motion Filing Fee	\$ 150.00
Attorneys Fees	\$ 750.00
Less post petition suspense	<u>-(\$ 328.94)</u>
	\$ 670.93

The above arrearage shall be paid in six (6) monthly installments of \$111.82. These payments shall be in addition to the regular monthly payment and shall be due on or before the 20th day of the month commencing with the July 20, 2009 payment and continuing throughout and concluding on or before December 20, 2009.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtors at least five business days' notice of the time, place and date of sale.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning with the July 1, 2009 payment, on Secured Creditor's Trust obligation, encumbering the subject Property, generally described as 9303 Gilcrease Avenue 1194, Las Vegas, NV 89149, and legally described as follows:

PARCEL ONE (1)
AN UNDIVIDED 1172 INTEREST AS TENANT IN COMMON IN AND TO THE FINAL MAP OF AVENTINE/BARADA UNIT 2B, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 113 OF PLATS, PAGE 11, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

EXCEPTING THEREFROM THE FOLLOWING, ALL UNITS IN ALL RESIDENTIAL BUILDINGS AND DESIGNATED EXCLUSIVE USE EASEMENTS AS SHOWN ON THE CONDOMINIUM PLAT REFERRED TO ABOVE.

AND RESERVING THEREFROM THE RIGHT TO POSSESSION OF ALL THOSE AREAS DESIGNATED AS EXCLUSIVE USE EASEMENTS SHOWN UPON THE PLAT REFERRED TO ABOVE.

AND FURTHER RESERVING THEREFROM FOR THE BENEFIT OF OWNERS IN FUTURE DEVELOPMENT, NON-EXCLUSIVE EASEMENTS IN, TO AND OVER THE COMMON AREA AS DEFINED AND SHOWN UPON THE CONDOMINIUM PLAT REFERRED TO ABOVE, FOR INGRESS, EGRESS AND ENJOYMENT, SUBJECT TO THE TERMS AND MORE PARTICULARLY SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR AVENTINE-TRAMONTA HOMEOWNERS ASSOCIATION, RECORDED OCTOBER 28, 2003 IN BOOK 20031028 AS DOCUMENT NO. 00649, AS THE SAME MAY FROM TIME TO TIME BE AMENDED AND/OR SUPPLEMENTED OF OFFICIAL RECORDS, EXCEPTING FROM THE COMMON AREA, ANY RESIDENTIAL BUILDINGS THEREFROM AND ANY PORTION THEREOF WHICH IS DESIGNATED AS EXCLUSIVE USE EASEMENTS.

PARCEL TWO (2): LIVING UNIT 1194 IN BUILDING 62 AND GARAGE APPURTENANT THERETO OF THE FINAL MAP OF A VENTINE/BARADA UNIT 28, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 113 OF PLATS, PAGE 11, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

PARCEL THREE (3): THE EXCLUSIVE RIGHT TO USE, POSSESSION AND OCCUPANCY OF THOSE PORTIONS OF CONDOMINIUM SUBDIVISION REFERRED TO ABOVE, WHICH RIGHT IS APPURTENANT TO PARCELS ONE (1) AND TWO (2) ABOVE DESCRIBED.


PARCEL FOUR (4): A NON-EXCLUSIVE EASEMENT OF ACCESS, EGRESS, USE AND EMPLOYMENT OF, IN, TO AND OVER THE COMMON ELEMENTS OF THE FINAL MAP OF A VENTINE/BARADA UNIT 28, ON FILE IN BOOK 113 OF PLATS, PAGE 11, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, AND FUTURE UNITS, WHICH EASEMENT IS APPURTENANT TO PARCELS ONE (1) AND TWO (2) DESCRIBED ABOVE.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if the Debtors fail to make any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditors' Trust Debt obligation, allowing the normal grace period, then Secured Creditor may file and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the

subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete possession thereof.

Submitted by:
WILDE & ASSOCIATES

By


GREGORY L. WILDE, ESQ.
Attorneys for Secured Creditors
208 South Jones Boulevard
Las Vegas, Nevada 89107

APPROVED AS TO FORM & CONTENT:

Rick A. Yarnall

By  7-7-09

Rick A. Yarnall
Chapter 13 Trustee
701 Bridger Avenue #820
Las Vegas, NV 89101

Frank J. Sorrentino

By 

Frank J. Sorrentino
Attorney for Debtors
1118 E. Carson Ave.
Las Vegas, NV 89101

Nevada Bar No. 30570

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15 Mortgage, Inc.

16 09-72638

17 **UNITED STATES BANKRUPTCY COURT**
18 **DISTRICT OF NEVADA**

19 In Re:

BK-S-08-14829-bam

20 Heather M. Puglisi

Date: 6/2/09
Time: 1:30pm

21 Debtor.

Chapter 13

22 **CERTIFICATE OF SERVICE**

23 1. On 8/17/09 I served the following documents(s):

24 NOTICE OF ENTRY OF ORDER VACATING AUTOMATIC STAY

25 2. I served the above-named document(s) by the following means to the persons as listed below:

26 X a. ECF System

Frank J. Sorrentino
carson@franksorrentino.com
Attorney for Debtor

1 Rick A. Yarnall
2 ecfmail@lasvegas13.com
3 Trustee

4 **X b. United States mail, postage fully prepaid:**

5 Frank J. Sorrentino
6 1118 E. Carson Ave.
7 Las Vegas, NV 89101
8 Attorney for Debtor

9 Heather M. Puglisi
10 9303 Gilcrease Avenue
11 1194
12 Las Vegas, NV 89149
13 Debtors

14 Jeremy T. Bergstrom, Esq.
15 MILES, BAUER, BERGSTROM & WINTERS, LLP
16 Attn: Managing Agent
17 2200 Paseo Verde Pkwy., Suite 250
18 Henderson, NV 89052
19 "Via Certified Mail"

20 Aventine-Tramonti HOA
21 c/o US Bank
22 Attn: Managing Agent
23 PO Box 500377
24 San Diego, CA 92150-0377

25 Nevada Association Services, Inc.
26 Attn: Managing Agent
6224 W. Desert Inn Rd., Ste. A
Las Vegas, NV 89146

☐ c. Personal Service

I personally delivered the document(s) to the persons at these addresses:

☐ 1. For a party represented by an attorney, delivery was made by handing the document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge by leaving the document(s) in a conspicuous place in the office.

1 ☐ 2. For a party, delivery was made by handing the document(s) to the party or by
2 leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable
3 age and discretion residing there.

4 ☐ **d. By direct mail**

5 Based upon the written assignment of the parties to accept service by email or a court order. I
6 caused the document(s) to be sent to the persons at the mail addresses listed below. I did not receive,
7 within a reasonable time after the transmission, any electronic message or other indication that the
8 transmission was unsuccessful.

9 ☐ **e. By fax transmission**

10 Based upon the written assignment of the parties to accept service by fax transmission or a court
11 order. I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by
12 the fax machine that I used. A copy of the record of the fax transmission is attached.

13 ☐ **f. By messenger**

14 I served the document(s) by placing them in an envelope or package addressed to the persons at
15 the addresses listed below and providing them to a messenger for service.

16 **I declare under penalty of perjury that the foregoing is true and correct.**

17
18 Signed on : _____

19 8/17/09
20 jmm
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